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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,387	11/18/2003	Edgar A. Dallas	048674-0309	4418

26371 7590 04/14/2005

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,387

Applicant(s)

DALLAS ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8-11,13,14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-11,13,14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dallas (5,916,277) in view of Landamia (6,099,141).

Dallas discloses the invention including a handle having a first end and a second end distal to the first end (30), at least one ancillary tool coupled to the handle at a position proximate to the first end (20), a flashlight pivotally coupled to the handle at a position proximate to the second end of the handle (44), a light source directed in a direction (Fig. 8), the light source is an LED (Column 4 line 19), the ancillary tool is a knife (20), the handle includes an interior channel (31) and the flashlight is stowed in the channel (Fig. 1).

However, Dallas fails to disclose a flashlight with two LED light sources approximately 90° apart from each other and that the first light source is capable of lighting the ancillary tool. Landamia teaches a flashlight (Title) with two LED (60) light sources approximately 90° apart from each other (29 and 49) and that the first light source is capable of lighting the ancillary tool (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided

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Dallas with an additional LED light source separated by ninety degrees from the first light source, as taught by Landamia, for additional illumination capabilities.

3. Claims 8, 13, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dallas in view of Jones et al. (6,162,137). Dallas discloses the invention including a handle having a first end and a second end distal to the first end (30), an ancillary tool coupled to the handle at a position proximate to the first end (20), a flashlight pivotally coupled to the handle at a position proximate to the second end of the handle (44), that the flashlight has a closed position (Fig. 1) and an open position (Fig. 2), a means to activate the flashlight (48), that the ancillary tool is a knife (20), the handle includes an interior channel (31), the flashlight is stowed in the channel (Fig. 1), and the means for activating is a push button (48).

However, Dallas fails to disclose a means for biasing the flashlight into the open position coupled between the handle and the flashlight, the means for activating the flashlight is engaged the means for biasing the flashlight moves the flashlight from the closed to the open position and the flashlight is turned on, and the means for biasing is a torsion spring. Jones et al. teaches a means for biasing a tool into the open position coupled between the handle and the tool (38), the means for activating the flashlight is engaged the means for biasing the flashlight moves the flashlight from the closed to the open position and the flashlight is turned on (Column 4 lines 20-28 of Dallas in view of the spring (38) of Jones et al.), and the means for biasing is a torsion spring (38). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Dallas with a biasing means, as taught by Jones et al.,

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to allow the flashlight to automatically move to the extended position rather than the user having to pry the tool out of its home groove.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dallas in view of Jones et al. as applied to claim 8 above, and further in view of Landamia. Dallas and Jones et al. disclose the invention including a flashlight having one LED light beam shining in one direction (44 in Dallas).

However, Dallas and Jones et al. fail to disclose that the flashlight comprises a second LED light beams shining in a direction approximately 90° apart from the first light beam. Landamia teaches a flashlight comprising a second LED light beams shining in a direction approximately 90° apart from the first light beam (49). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Dallas with an additional LED light source separated by ninety degrees from the first light source, as taught by Landamia, for additional illumination capabilities.

5. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dallas in view of Landamia and Jones et al.

Dallas discloses the invention including a handle (30), a light unit pivotally coupled to the handle (44), a first light source coupled to the lighting unit (44), the first light source directs a first light beam in a first direction (Fig. 8), a means to activate the flashlight (48), the first light source is an LED (Column 4 line 19), an ancillary tool pivotally coupled to the handle (20), and the ancillary tool is a knife (20).

However, Dallas fails to disclose a second LED light source coupled to the lighting unit, the second light source directs a second beam a light in a second direction

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approximately 90° apart from the first light beam, and when the means for activating the flashlight is engaged, the means for biasing the flashlight moves the flashlight from the closed to the open position and the flashlight is turned on. Landamia teaches a second LED light source coupled to a lighting unit (49), that the second light source directs a second beam a light in a second direction approximately 90° apart from the first light beam (Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Dallas with an additional LED light source separated by ninety degrees from the first light source, as taught by Landamia, for additional illumination capabilities.

Jones et al. teaches a biasing means that modifies the button (48) of Dallas so that when the means for activating the flashlight is engaged, the means for biasing the tool moves the tool from the closed to the open position and the flashlight is turned on (Column 4 lines 20-28 of Dallas in view of the spring (38) of Jones et al. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Dallas with a biasing means, as taught by Jones et al., to allow the flashlight to automatically move to the extended position rather than the user having to pry the tool out of its home groove.

Response to Arguments

6. Applicant's arguments with respect to claims 8, 13, 14, and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 23 March 2005 in regards to claims 1-3, 5, 6, and 18-22 have been fully considered but they are not persuasive. Landamia teaches that it is

old and well known to include additional light sources, at 90°, to flashlights. The statement that the "first light source lights the ancillary tool" is an intended use of the apparatus. However, Dallas modified by Landamia would provide for additional "side" lighting that is capable of lighting, for example, the tool portion "20", in Dallas.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
April 12, 2005



Allan N. Shoap
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